

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 28, 2013

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: None

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Township Engineer Director
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 5B7 was added to the Consent agenda, agenda items 7, 9 and 14 were tabled and items 36 and 37 were added to Executive Session.

MOTION by BUCCI seconded by FREITAS to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by GOODHUE seconded by KRZEMINSKI to approve both bill runs as presented.

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MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. Approval of the previous Meeting Minutes from January 9, 2013.

MOTION by KOEHS seconded by NEVERS to approve the previous minutes of January 9, 2013.

MOTION carried.

5. **Consent Agenda Items:**

Supervisor DUNN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

A. Water and Sewer Department:

1. Request Authorization to Pay EJ USA Inc. for the purchase of Hydrant Maintenance.
2. Request Authorization to Pay Tyler Technologies Inc. for Pressure Seal Form with Return envelope for Water & Sewer Department.
3. Request to Attend Conference.

B. Human Resources Department:

1. Request Approval of Revised Position Descriptions for Water & Sewer Department.
2. Request for a Medical Leave of Absence – Fire Department.
3. Request for a Personal Leave of Absence – Fire Department.
4. Request for a Personal Leave of Absence – Fire Department.
5. Request Authorization to Process Social Security Adjustment.
6. Request for a Personal Leave of Absence – Fire Department.
7. Request for a Personal Leave of Absence – Fire Department.

MOTION by KRZEMINSKI seconded by BUCCI to approve the consent agenda as presented.

MOTION carried.

6. **Public Comments, Agenda Items Only**

None

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OLD BUSINESS

7. Committee for Review of Compensation for Elected Officials, Appointed Officials and Members of Boards and Commissions. *(Tabled from January 9, 2013 meeting)*

This item was tabled to the February 13, 2013 meeting.

NEW BUSINESS

8. Request to Adopt Road Paving Agreement; Hayes Road from 21 Mile Road to 23 Mile Road; Macomb County Department of Roads, Shelby Township and Macomb Township.

Supervisor Dunn addressed this item with the Board members.

MOTION by KRZEMINSKI seconded by FREITAS to adopt the Road Paving Agreement; Hayes Road from 21 Mile Road to 23 Mile Road; Macomb County Department of Roads, Shelby Township and Macomb Township.

MOTION carried.

9. Award Bid for Macomb Township Property Lease; Agricultural Use; Permanent Parcel No. 08-14-100-005.

This item was tabled Indefinitely.

10. Re-Appointment to Township Building Authority Board.

Supervisor Dunn addressed this item with Board members.

MOTION by KOEHS seconded by GOODHUE to re-appoint Stacy VanReyendam to the Building Authority Board for a term expiring June 30, 2015.

MOTION carried.

PLANNING

11. **Rezoning Request;** R-1-S to R-2; M & C Limited, Petitioner. Located on the east side of Romeo Plank, ¼ mile south of 22 Mile Road. Parcel No. 08-28-101-009.

Jerome Schmeiser, Planning Consultant, addressed this item with the Board, recommending denial.

Petitioners Steven Neeper and Thomas Calas present also.

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MOTION by KOEHS seconded by FREITAS to Deny the rezoning request; R-1-S to R-2; M & C Limited, Petitioner. Located on the east side of Romeo Plank, ¼ mile south of 22 Mile Road. Parcel No. 08-28-101-009.

MOTION carried.

12. **Request for Tentative Preliminary Plat;** Monarch Estates Subdivision, BLCR LLC Petitioner; Located on north side of 22 Mile Road, ¼ mile east of Garfield. Parcel No. 08-20-300-002.

Jerome Schmeiser, Planning Consultant, addressed this item with the Board, recommending approval.

Petitioner Steve Neeper present also.

MOTION by BUCCI seconded by KOEHS to Approve the Request for Tentative Preliminary Plat; Monarch Estates Subdivision, BLCR LLC Petitioner; Located on north side of 22 Mile Road, ¼ mile east of Garfield. Parcel No. 08-20-300-002, contingent upon repairing lot 148.

MOTION carried.

13. **Request for Extension of Time;** Manthey Farms Subdivision; Chippewa Valley Schools-Petitioner; Located on west side of Garfield, ½ mile north of 21 Mile Road. Parcel No. 08-30-200-032.

Jerome Schmeiser, Planning Consultant, addressed this item with the Board, recommending approval.

MOTION by KRZEMINSKI seconded by GOODHUE to Approve the Request for Extension of Time; Manthey Farms Subdivision; Chippewa Valley Schools-Petitioner; Located on west side of Garfield, ½ mile north of 21 Mile Road. Parcel No. 08-30-200-032, for period of one year. (1-14-14)

MOTION carried.

14. **Request to Approve Tentative Preliminary Plat;** Twin Rivers Subdivision, Phases II and III; Twin Rivers Development LLC, Petitioner; Located on north side of Hall Road ¼ mile east of Romeo Plank Road. Parcel No. 08-33-376-016.

This item tabled to the February 13, 2013 meeting.

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HUMAN RESOURCES DEPARTMENT:

15. Request Authorization to Extend Offer of Employment, Accounting Clerk.

John Brogowicz, Human Resource Director, addressed this item with the Board, recommending approval.

MOTION by BUCCI seconded by NEVERS to approve the Offer of Employment, Accounting Clerk to Linda Grittini.

MOTION carried.

- 15b. EAP Services Provider.

John Brogowicz, Human Resource Director, addressed this item with the Board, recommending approval.

MOTION by KRZEMINSKI seconded by GOODHUE to approve Ulliance for EAP Provider.

MOTION carried.

FIRE DEPARTMENT

16. Request Authorization to Promote Probationary Fire Fighter.

Robert Phillips, Township Fire Chief, addressed this item with the Board, recommending approval.

MOTION by FREITAS seconded by KOEHS to approve the promotion of Probationary Firefighter David Fischer to Firefighter.

MOTION carried.

17. Request Authorization to Pay for Emergency Repair; Engine No. 2.

Robert Phillips, Township Fire Chief, addressed this item with the Board, recommending approval.

MOTION by GOODHUE seconded by NEVERS to approve the Emergency Repair; Engine No. 2.

MOTION carried.

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WATER AND SEWER DEPARTMENT:

18. Request to Re-Classify Employees #70, 145 & 1455.

Gerry Wangelin. Water Superintendant, addressed this item with the Board, recommending approval.

MOTION by KRZEMINSKI seconded by GOODHUE to approve the re-classification of employees #70, #145 and #1455.

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

19. Request to Purchase Glass Partitions for Lobby in Recreation Center.

Salvatore DiCaro, Park and Recreation Director, addressed this item with Board, recommending approval.

MOTION by KRZEMINSKI seconded by KOEHS to approve the Purchase of Glass Partitions for Lobby in Recreation Center.

MOTION carried.

20. Request to Purchase a Lockable Gate System for lobby at Recreation Center.

Salvatore DiCaro, Park and Recreation Director, addressed this item with Board, recommending approval.

MOTION by KRZEMINSKI seconded by GOODHUE to approve the purchase of a Lockable Gate System for lobby at Recreation Center.

MOTION carried.

BUILDING DEPARTMENT:

21. Request for New Fleet Pickup Truck.

Dan Fairless, Building Department Superintendant, addressed this item with the Board, recommending approval.

MOTION by BUCCI seconded by FREITAS to Approve the purchase of new fleet pickup truck for Building Department.

MOTION carried.

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MOTION by KRZEMINSKI seconded by GOODHUE to approve selling the old pickup truck.

MOTION carried.

22. Request to Hire Full Time Employee.

Dan Fairless, Building Department Superintendant, addressed this item with the Board, recommending approval.

MOTION by BUCCI seconded by FREITAS to approve hiring Chris Benjamin as full time Code Enforcement officer and to provide the Board with a review of Building Department staff workload within thirty days.

MOTION carried.

ASSESSING DEPARTMENT

23. Request to Adopt Poverty Exemption Resolution for 2013.

Dan Hickey, Township Assessor, addressed this item with the Board, recommending approval.

MOTION by KRZEMINSKI seconded by NEVERS to Approve the request to Adopt the Poverty Exemption Resolution for 2013 as follows:

**TOWNSHIP OF MACOMB
COUNTY OF MACOMB, STATE OF MICHIGAN
REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION**

Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on Monday the 28th of January, 2013.

MEMBERS PRESENT: _____

MEMBERS ABSENT: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,

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Whereas, said section provides certain eligibility requirements for exemption under said section; and,

Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,

Whereas, the Board of Trustees of the Township of Macomb is the governing body of the local assessing unit; and,

NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:

In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though the income standard was met.

The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year “unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”

In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent or continuous subsidy. Poverty exemptions shall apply only to the applicant’s qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.

To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:

Applicants MUST be an owner of and occupy as a homestead (as defined by MCL 211.7dd) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.

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Applicants MUST file a completed "Hardship Exemption Application" with the Board of Review on a form provided by the Assessing Department and include a copy of their W-2 Forms, Federal Income Tax Returns, Michigan Income Tax Returns including the Michigan Homestead Property Tax Credit Claim (MI-1040CR) and all supporting documents and schedules for ALL PERSONS residing in the homestead, filed in the immediately preceding year or in the current year.

Applicants MUST provide a copy of the Social Security Benefit Statement (form SSA-1099) for ALL PERSONS, residing in the homestead, which receive social security benefits.

Applicants MUST provide a copy of their bank statements, for the immediately preceding six month, of ALL checking and savings accounts.

Applicants MUST provide a valid driver's license or other form of identification, for all persons in the household that are not identified as dependents on their income tax returns, and must also provide a copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested by the Assessor or Board of Review.

Applications, including all required information above, MUST be filed after January 1 and before the day prior to the final day of the March, July or December Board of Review meetings for that assessment year.

Applicants MUST meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of Assessment and made available upon request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees.

In addition to income as noted above, savings accounts, checking accounts, investments and interest earnings/dividends, in total, from all household members, may not exceed double the amount of the current annual property tax obligation. The Board of Review may also take into consideration other assets such as ownership interest in other real estate and/or personal property.

NOTE: Under no circumstances shall the Board of Review reduce the taxable value of a claimant that is not currently receiving the maximum refund of \$1,200.00 from the State of Michigan unless the claimant's household income

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is equal to or less than the federal poverty income standards as defined and determined by the United States office of management and budget. Any relief granted shall be based upon the tax obligation in excess of the maximum \$1,200.00 homestead credit refund allowed by the State of Michigan.

Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicants income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

AYES: Members: _____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED.

JANET I. DUNN Township Supervisor

MOTION carried.

24. Request to Purchase 2013 Assessment Notices.

Dan Hickey, Township Assessor, addressed this item with the Board, recommending approval.

MOTION by KRZEMINSKI seconded by GOODHUE to approve the request to Purchase 2013 Assessment Notices as presented from Litho for cost of one thousand nine hundred ninety dollars (\$1,990.00).

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

Scott Anderson and Barb Tomasuewski talked about problems in the MTC subdivision with the current contractors.

BOARD COMMENTS

25. Supervisor Comments

Supervisor Dunn stated she has another addition to the Historical Commission by the name of Milt Miller.

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MOTION by KRZEMINSKI seconded by KOEHS to approve the appointment of Milt Miller to the Township Historical Commission.

MOTION carried.

MOTION by BUCCI seconded by FREITAS to re-appoint Michael Koehs to the Planning Commission Board.

MOTION carried.

Supervisor Dunn then reminded people about the upcoming bridge closing on 23 Mile Road near North Avenue.

26. Clerk Comments

None

27. Treasurer Comments

Treasurer Goodhue advised that taxes are due February 14, 2013 and if late, there is a 3% penalty.

28. Trustees Comments

Trustee Bucci requested Legal Counsel work on a political sign ordinance due to past problems with political signs.

MOTION by BUCCI seconded by NEVERS to approve Legal Counsel working on a draft for a political sign ordinance.

MOTION carried.

Trustee Krzeminski thanked all for their sympathy for the recent loss of his wife.

MOTION by BUCCI seconded by GOODHUE to adjourn to Executive Session at 7:54 p.m.

MOTION carried.

Back in Executive Session at 8:10 p.m.

EXECUTIVE SESSION

29. Proposed Settlement of 2010 through 2012 MI Tax Tribunal Appeal; Docket No. 395931.

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MOTION by KOEHS seconded by BUCCI to approve the Proposed Settlement of 2010 through 2012 MI Tax Tribunal Appeal; Docket No. 395931.

MOTION carried.

30. Proposed Settlement of 2010 MI Tax Tribunal Appeal; Docket No. 409602.

MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2010 MI Tax Tribunal Appeal; Docket No. 409602

MOTION carried.

31. Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414471.

MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414471.

MOTION carried.

32. Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414918.

MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414918.

MOTION carried.

33. Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414494.

MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 414494.

MOTION carried.

34. Proposed Settlement of 2010 MI Tax Tribunal Appeal; Docket No. 418995.

MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2010 MI Tax Tribunal Appeal; Docket No. 418995

MOTION carried.

35. Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 420781.

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MOTION by KOEHS seconded by GOODHUE to approve the Proposed Settlement of 2011 and 2012 MI Tax Tribunal Appeal; Docket No. 420781

MOTION carried.

36. Proposed Consent Judgment-GNA/Windemere v Macomb Township.

MOTION by KOEHS seconded by FREITAS to approve the Proposed Consent Judgment-GNA/Windemere v Macomb Township.

MOTION carried.

37. MAFF Grievance Update

MOTION by KOEHS seconded by NEVERS to reject the proposed settlement.

MOTION carried.

ADJOURNMENT

MOTION by KRZEMINSKI seconded by BUCCI to adjourn at 8:18 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk